



# ***RADAR*** ***SCREEN***

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Legislative Digest

July 29, 1999

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House Republican Conference  
J.C. Watts, Jr., Chairman

## **Present to Recess**

**Coastal Barrier Resources System (H.R. 1431)** — The 1982 Coastal Barrier Resources Act (*P.L. 97-348*) ended federal financial assistance on undeveloped coastal barriers included in the Coastal Barrier Resources System. Inclusion in the system does not prevent private development, but restricts the use of federal funds for flood insurance, highway construction, and water and sewer grants. Both the 104<sup>th</sup> and 105<sup>th</sup> Congresses enacted legislation to remove certain coastal barrier lands in Florida, New York, and South Carolina that were incorrectly incorporated within the system. Mr. Saxton introduced H.R. 1431 to remove additional lands in Delaware, Florida, and South Carolina from the system. The Resources Committee reported the bill by voice vote on June 9.

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**Community Development Financial Institutions (CDFI) Fund Amendments Act (H.R. 629)** — H.R. 629 reauthorizes the community development financial institutions (CDFI) fund through FY 2003 (the fund's current authorization expires at the end of FY 1999). Specifically, the bill authorizes \$95 million for FY 2000, \$100 million for FY 2001, \$105 million for FY 2002, and \$110 million for FY 2003. In addition, the bill makes a number of changes to ensure the integrity of the grant process and enhance program effectiveness. The measure was introduced by Mr. Vento and Mrs. Roukema and was reported by the Banking & Financial Services Committee by voice vote on May 26, 1999.

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**Federal Crop Insurance Program Improvement (H.R. 2559)** — The FY 2000 budget resolution called for new budget authority to make needed improvements in the crop insurance program. On July 20, Mr. Combest introduced a bill to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss. The bill increases crop insurance funding by \$6 billion over FYs 2001-2005. In addition, the bill (1) maintains or increases subsidies in all areas of the insurance program; (2) provides \$55 million for a pilot program to insure livestock; (3) expands farmers' options covering catastrophic loss; (4) provides greater flexibility in level of coverage; and (5) provides more affordable policies against price, income, and production loss. U.S. farmers are subject to unpredictable weather and volatile world markets that are beyond their

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control. The frequency and widespread nature of natural disasters generate substantial uncertainty over crop yields. Improvements to the Federal Crop Insurance Program will be geared toward offering more effective protection against risks that can wipe out the most prudent of producers in one fell swoop. Under the current crop insurance program, farmers in fertile production areas who in recent years have had low/no production are penalized by higher premium costs and less coverage. The Agriculture Committee plans to mark up the bill this week and ready a bill for floor consideration before the August recess.

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**Financial Freedom Act Conference Report (H.R. 2488)** — On July 22, the House passed legislation by a vote of 223-208 to provide approximately \$792 billion in tax relief over 10 years. The proposal is highlighted by a 10 percent across-the-board reduction in individual income tax rates. In addition, the bill (1) reduces the impact of the marriage penalty; (2) establishes education savings accounts for elementary and secondary school expenses; (3) reforms pensions to enhance retirement security; (4) reduces the individual capital gains tax rates from 20 percent to 15 percent and from 10 percent to 7.5 percent (for taxpayers in the 15 percent tax bracket); (5) gradually eliminates the estate and gift tax over a 10-year period; (6) includes measures to make health care and long-term care more affordable and accessible; (7) authorizes the HUD Secretary to designate 20 “renewal communities” in both urban and rural areas, allowing them to qualify for special tax incentives; (8) phases out the alternative minimum tax for both individuals and corporations; and (9) extends a number of expiring tax credits. The Senate is scheduled to consider their tax relief measure the week of July 26. Should a conference committee conclude work on a conference report, the House may consider such a measure before the August recess.

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**Fishermen’s Protective Act (H.R. 1651)** — H.R. 1651 amends the 1967 Fishermen’s Protective Act to extend the period during which reimbursement may be provided to owners of U.S. fishing vessels for costs incurred when such a vessel is illegally seized or detained by a foreign country. The Resources Committee reported the bill by voice vote on May 6.

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**Health Care Quality** — Last year, the House passed the Patient Protection Act (H.R. 4250) by a vote of 216-210. In response to the growing concern that many in the public have expressed over the managed care industry, the measure was designed to ensure that the nation’s health care system is accessible, affordable, and accountable. The Senate passed its version (S. 1344) by a vote of 53-47 on July 15. During the week of August 2, the House is expected to consider an amalgamation of certain House measures, many of which are outlined below. These issues include open communication between physicians and patients (elimination of “gag” rules), access to emergency care, openness of health plan information, external reviews by independent physicians, malpractice reforms, and confidentiality of medical records.

The Education & Workforce Subcommittee on Employer-Employee Relations, chaired by Mr. Boehner, approved eight health care bills on June 16. The Commerce and Ways & Means Committees share jurisdiction on this issue. The subcommittee forwarded the following bills to the full committee:

- \* **Health Care Quality & Access Act** — H.R. 2089, introduced by Mr. Boehner, guarantees managed care patients the protection of having their disputes settled by an independent third-party review (external review) of physicians and medical experts. Under the bill, rulings made by an external review are legally binding—meaning those responsible for paying for benefits are subject to prosecution and stiff penalties if they fail to comply with

the external review decision. The measure also accelerates the internal review process for patients, ensuring that timely decisions are made with regard to patients' coverage. The subcommittee approved the bill by a vote of 11-7;

- \* **Small Business Access and Choice for Entrepreneurs Act** — H.R. 2047, introduced by Messrs. Talent and Dooley, is designed to help reduce the number of uninsured Americans by allowing small employers to pool their resources and purchase health plans for employees comparable to those currently offered by large employers through Association Health Plans (AHPs). Currently about 43 million Americans are uninsured, the majority of them working for small employers who cannot afford to purchase quality health plans for their employees. The subcommittee approved the bill by voice vote;
- \* **Patient Right to Obstetric and Gynecological Care Act** — H.R. 2041, introduced by Mrs. Granger, guarantees women direct access to OB-GYNs and allows female patients to bypass the insurance company's "gatekeeper" and proceed directly to the specialist they choose. The subcommittee approved the bill by a vote of 10-7;
- \* **Patient Access to Information Act** — H.R. 2046, introduced by Mr. Fletcher, ensures greater disclosure of health plan information so that patients are able to learn what their plan specifically covers, including benefits, doctors, and facilities, in addition to information on premiums and claims procedures. Many lawmakers believe that managed-care companies are not doing enough to inform patients about the specific details of their health plan. The subcommittee approved the bill by a vote of 9-5;
- \* **Patient Right to Pediatric Care Act** — H.R. 2044, introduced by Mr. Sherwood, guarantees parents the right to choose a pediatrician as their child's primary care physician, allowing them to bypass the insurance company's "gatekeeper" and ensure that their child receives direct access to a pediatrician. The subcommittee approved the bill by voice vote;
- \* **Patient Right to Emergency Medical Care Act** — H.R. 2045, introduced by Mr. Toomey, guarantees access to emergency care by applying a "prudent layperson" standard of what constitutes an "emergency". The measure also prohibits health plans from arbitrarily refusing to pay for covered emergency benefits and prohibits plans from requiring patients or their doctors to obtain prior approval before seeking or providing emergency services. The subcommittee approved the bill by a vote of 9-6;
- \* **Patient Right to Unrestricted Medical Advice Act** — H.R. 2043, introduced by Mrs. Kelly, lifts "gag rules" to allow free and open communications between patients and doctors in order for the patient to make fully-informed decisions about the best course of treatment—thus guaranteeing a patient's "right to know". The phrase "gag rules" was coined to refer broadly to clauses in provider contracts that may prohibit or limit provider-patient communications about medical conditions, care, and treatment. The subcommittee approved the bill by a vote of 10-7; and
- \* **Health Care Access, Affordability, and Quality Act** — H.R. 2042, introduced by Mr. Upton, establishes an independent patient protection commission to help ensure that health

care policy decisions in the best interest of patients and less influenced by politics. The subcommittee approved the bill by a vote of 10-9.

In addition, the House may consider a number of other issues. These include:

- \* **Healthmarts.** Congress may consider the issue of creating “Healthmarts”—private, voluntary, and competitive health insurance “supermarkets” that transfer choice within the current employer-based health insurance market from small employers to their employees and dependents. These plans will be established and run by private sector partnerships consisting of providers, consumers, small employers, and insurers. Healthmarts use competition and the marketplace to empower people to choose among insurance options;
- \* **Malpractice Reforms.** Last year, the Patient Protection Act established a \$250,000 limit on non-economic medical malpractice damage awards, unless a state already has a higher cap in place. Supporters of the cap point to the myriad unnecessary lawsuits that played a big role in swelling the cost of health care during the ’70s and ’80s. Critics contend that restricting the legal remedies available to patients curtails their rights and lets providers off the hook; and

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**Homeless Housing Programs Consolidation and Flexibility Act (H.R. 1073)** — H.R. 1073 amends the Stewart B. McKinney Homeless Assistance Act (*P.L. 100-77*) to consolidate seven existing homeless aid programs into one block grant program that provides states and communities with flexibility to use available funds more effectively. The bill requires local communities to add public or private funds to match any federal dollar (typically at a rate of 50 percent), and establishes procedures for greater local accountability of expenditures. The House passed similar legislation in the 105<sup>th</sup> Congress (H.R. 217; *H.Rept. 105-407*) by a vote of 386-23; however, the Senate did not act on the measure before adjournment. The Banking Subcommittee on Housing and Community Opportunity approved the measure by voice vote on April 15.

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**Marine Mammal Rescue Assistance Act (H.R. 1934)** — H.R. 1934 amends the 1972 Marine Mammal Protection Act (*P.L. 92-522*) to create the John H. Prescott Marine Mammal Rescue Assistance Grant Program. The Marine Mammal Protection Act governs a variety of subjects including public display, scientific research, subsistence use of marine mammals, and the incidental taking of marine mammals during commercial fishing operations. The new grant program will provide funding to eligible centers for recovering marine mammals, researching these mammals, and operating facilities for these purposes. The bill was introduced by Mr. Saxton *et al.* and was reported by the Resources Committee by voice vote on June 22, 1999.

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**National Historic Preservation Fund (H.R. 834)** — H.R. 834 reauthorizes the Historic Preservation Fund (HPF) through 2005. It also modifies the options federal agencies have when deciding on naming historic properties. The HPF, established within the Treasury and administered by the National Park Service, is a federal matching grant program (funded on a 60 percent matching share basis) that encourages private and non-federal investment in historic preservation efforts by providing grants to states, territories, Indian tribes, and to the National Trust for Historic Preservation to assist their efforts to protect and preserve properties listed in the National Register of Historic Places. HPF grants serve as a catalyst and

“seed money” to protect and preserve historic American sites, buildings, and objects of significant cultural heritage. Funding is most often used to subsidize the costs of surveys and statewide historic preservation plans, as well as prepare National Register nominations, architectural plans, historic structure reports, and engineering studies. The House passed similar legislation (H.R. 1522; *H.Rept. 105-484*) during the 105<sup>th</sup> Congress by voice vote; however, it was not enacted before adjournment.

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**National Marine Sanctuaries Enhancement Act (H.R. 1243)** — H.R. 1243 reauthorizes the National Marine Sanctuary Program for an additional five years at the administration’s FY 2000 funding request. It also prohibits the National Oceanographic and Atmospheric Administration from designating additional sanctuaries until it is determined that an additional sanctuary will not have a negative impact on existing sanctuaries. The 1972 National Marine Sanctuaries Act authorizes the Commerce Secretary to designate areas of the marine environment with nationally significant aesthetic, ecological, historical, recreational values as Marine Sanctuaries. The primary objective of this law is to protect marine resources, such as coral reefs, sunken historical vessels, or unique habitats, while allowing all compatible public and private uses of these resources. During the 104<sup>th</sup> Congress, lawmakers enacted legislation (*P.L. 104-283*) to reauthorize the law through FY 1999. The bill was introduced by Mr. Saxton and was reported by the Resources Committee by voice vote on June 9, 1999.

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**National Monument NEPA Compliance Act (H.R. 1487)** — H.R. 1487 requires the Interior Secretary to allow public notice and comment before declaring national monuments under the 1906 Antiquities Act. The 1906 Antiquities Act is designed to protect America’s national sites on public lands. However, in 1996, President Clinton designated the Grand Staircase-Escalante National Monument in Utah without informing or consulting Congress or any of Utah’s elected representatives. The monument measures 1.7 million acres and includes approximately 200,000 acres of state and private lands. In the aftermath, the administration’s decision-making process that led to the designation has come under great scrutiny. Many lawmakers now believe that the administration purposely sought to keep the project secret and avoid congressional oversight efforts. The bill requires that all monument declarations be subject to public review and environmental analysis under the National Environmental Policy Act (NEPA). The bill was introduced by Mr. Hansen and was reported by the Resources Committee by voice vote on June 30.

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**Extending Emigration Waiver Authority for Vietnam (H.J. Res. 58)** — The House may consider a resolution during the week of August 2 to disapprove President Clinton’s emigration waiver for Vietnam. The Ways & Means Committee reported the resolution unfavorably (*i.e.*, disapproved, but still moved to the House floor) by voice vote on July 1. The president announced his intent to grant the waiver to Vietnam on June 3. The Jackson-Vanik provisions of the 1974 Trade Act (*P.L. 93-618*) prohibit countries with non-market economies from engaging in trade with the U.S. if that country maintains restrictive emigration policies. However, the president may waive this prohibition on an annual basis if he certifies that doing so will promote freedom of emigration in that country. Last year, the House defeated a similar resolution (H.J. Res. 120; *H.Rept. 105-653*) to deny NTR status to Vietnam by a vote of 163-260.

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**Security and Freedom through Encryption (SAFE) Act (H.R. 850)** — The bill amends current law to affirm the right of U.S. citizens to use and sell encryption and to relax export controls on encryption. Electronic and wire communications, as well as electrically stored information, is “encrypted,” scrambled by mathematical formulas or algorithms in order to preserve confidentiality and prevent unauthorized access.

The measure prohibits the federal government and states from requiring that a so-called “key”—the means to decrypt wire communications or electronically stored information—be (1) built into computer hardware or software, (2) provided to the federal government or states, or (3) retained by the manufacturer of the software; however, this provision does not apply to law enforcement entities or the intelligence community.

If encryption is used for criminal purposes, the bill establishes a prison term of up to five years and a fine for a first offense and up to 10 years and a fine for a second offense. The measure, however, stipulates that the use of encryption is not sufficient for establishing probable cause to obtain a search warrant. Finally, the bill amends the 1970 Export Administration Act to lift the export license requirement—after a one-time, 15-day technical review by the Commerce Secretary—on commercially available encryption devices. The bill was introduced by Mr. Goodlatte on February 25, 1999.

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**Small Business Innovation Research Program Reauthorization Act (H.R. 2392)** — H.R. 2392 extends the authorization for the Small Business Innovation Research Program (SBIR) through FY 2007. The SBIR was established by the 1982 Small Business Innovation Development Act (*P.L. 102-564*) and involves small businesses in federally funded research. Since its inception, the SBIR program has proven successful to the development of innovations critical to high-technology fields (e.g., defense, medicine). The Small Business Committee reported H.R. 2392 on July 1, 1999. The bill was introduced by Mr. Talent *et al.* and was also referred to the Science Committee. The House may consider the bill before the August recess.

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**Spanish Peaks Wilderness Act (H.R. 898)** — H.R. 898 amends the Colorado Wilderness Act (*P.L. 103-77*) to designate 18,000 acres of federal land within the San Isabel National Forest in Colorado as the Spanish Peaks Wilderness. The bill was introduced by Mr. McInnis and was reported by voice vote by the Resources Committee on May 5.

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**Taiwan Security Enhancement Act (H.R. 1838/S. 693)** — H.R. 1838 authorizes arms sales to Taiwan to help its defense against the military buildup in China. Specifically, the bill authorizes the sale to Taiwan of (1) satellite-shared early warning (SEW) data; (2) AIM-120 air-to-air missiles; (3) diesel submarines, anti-submarine warfare systems, and naval anti-missile systems; and (4) theater missile defense equipment. It also requires the U.S. to implement a plan to enhance operational training and exchanges between the two countries. The bill was introduced by Mr. DeLay and is expected to be considered by the House within the next month.

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**Twenty-First Amendment Enforcement Act (H.R. 2031; H.Rept. 106-265)** — The bill amends the 1913 Webb-Kenyon act to authorize the attorney general of any state or U.S. territory to seek enforcement—through a federal district court injunction—of a state law regulating the importation or transportation of intoxicating liquors. Under H.R. 2031, injunctive relief may be granted by the district court if the attorney general makes a “proper showing” that such a state law has been violated.

In 1913, Congress enacted the Webb-Kenyon Act, which carved out an exception to the Commerce Clause of the Constitution (which grants Congress the power to regulate interstate commerce) to give states the power to regulate the importation and sale of alcohol within their own borders. The Webb-Kenyon Act was reenacted in its current form in 1935 following the ratification of the 21<sup>st</sup> Amendment,

which repealed the 18<sup>th</sup> Amendment (Prohibition). States were thereafter permitted to regulate the distribution and sale of alcoholic beverages (i.e., distilled spirits, wine and beer) within their borders.

In recent years, the Internet has enabled small wineries and breweries to expand their market access nationwide; however, since they manufacture only small amounts of alcohol, they depend on direct sales on online—thus circumventing wholesalers—to survive in the marketplace. Most states do not permit such direct sales. Neither the 21<sup>st</sup> Amendment nor the Webb-Kenyon Act includes any criminal or civil penalties for violations of its provisions; states that seeks to bring an action against violators in federal court cannot obtain jurisdiction over the violators. The bill amends current law to provide states with a measure of federal enforcement power. H.R. 2031 was introduced by Mr. Scarborough *et al.* and was reported by the Judiciary Committee by voice vote on July 20, 1999.

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**Veterans’ Millennium Health Care Act (H.R. 2116)** — H.R. 2116 makes comprehensive reforms to improve access to, as well as the timeliness and quality of, veterans health care. These reforms include (1) requiring the VA to increase home and community-based options and lifting the six-month limit on VA adult day health care; (2) providing Purple Heart recipients the same priority as Prisoners of War (POWs) and expanding health care eligibility for other veterans; (3) establishing means to enhance revenues for VA (e.g., establishing a copayment for certain services and requiring the federal government to give the VA a proportional amount of any funds recovered from a federal tobacco lawsuit); and (4) extending the VA’s authority to assist homeless veterans. The Veterans’ Affairs Committee reported the bill by voice vote on July 15. The House may consider the bill during the week of August 2.

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**Water Resources Development Act (WRDA) Conference Report (H.R. 1480/S. 507)** — On April 29, the House passed legislation to authorize funding for projects and programs of the Army Corps of Engineers civil works program by a vote of 418-5. The bill addresses pressing water infrastructure priorities, policy initiatives to update existing water resources programs, and opportunities to restore, protect, and enhance the aquatic environment. The House appointed conferees on July 22, 1999. The House may consider the conference report before the August recess.

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## One to Three Months

**Academic Achievement for All Students (H.R. 2300/S. 1266, “Straight A’s Act”)** — The measure, introduced on June 22, gives states the option of submitting a charter proposal to set specific and measurable performance goals to reach by the end of five years. If approved, states will be granted the flexibility to use any of their regular federal K-12 formula program funds to meet state education priorities and programs—thus, states may opt out of federal regulations that restrict how states may use federal funds—in exchange for being held accountable for meeting their goals. In addition, states will be free to combine their federal funds from multiple programs to more effectively address the needs of students in their state.

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**Airline Passenger Bill of Rights (H.R. 700/S. 383)** — Transportation Chairman Shuster introduced legislation to grant airline passengers a number of protections when dealing with the airline industry. The legislation is designed to encourage better service and make the airlines more responsible to their passengers. Specifically, the measure requires airlines to compensate passengers stuck on runways for two or more

hours. The bill also provides consumers with additional information in dealing with the industry, requiring airlines to (1) explain why flights have been canceled or delayed, and (2) inform passengers how many seats are available for use by those redeeming frequent flyer awards. According to the Transportation Department, the number of passenger complaints per 100,000 passengers boarding was 26 percent higher in 1998 than the previous year. Recently, a number of airlines have announced actions to attempt to preempt a legislative solution to this problem. The Aviation Subcommittee has held a series of hearings on the bill; however, no date for full committee markup has yet been scheduled.

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**Budget Process Reform (H.R. 853)** — Mr. Nussle introduced a bill that was developed in conjunction with the Budget Committee's task force on budget process reform and the Rules Committee. Major elements of the bill include (1) converting the budget resolution from a congressional blueprint to a joint resolution that requires the president's signature and has the force of law; (2) establishing a budgetary reserve for emergencies; (3) requiring that federal agencies and Congress budget for the long-term costs of federal insurance programs; and (4) establishing an automatic continuing appropriation for programs for which the applicable appropriation bills have not been enacted by the beginning of the fiscal year. The Budget Committee reported the bill by a vote of 22-12 on June 17, 1999. The Rules Committee approved the measure by voice vote on June 23. However, the Appropriations Committee reported the bill unfavorably on June 24.

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**Campaign Reform** — The House is expected to consider campaign reform the week of September 13<sup>th</sup>. The House Administration Committee has held several hearings on campaign finance during the past month. Last year, the House considered 11 separate reform measures as part of a broad debate before adopting the Shays-Meehan substitute by a vote of 252-179. A similar measure in the Senate (the McCain-Feingold bill) failed to surmount a filibuster led by Senator McConnell.

The Shays-Meehan substitute eliminated federal and state soft money that influences federal elections. It redefined the concept of "express advocacy," as it applies to campaign spending by independent groups and party organizations, to include radio and television communications that refer to a clearly identified federal candidate within 60 days of an election or those communications that include unmistakable support for, or opposition to, a clearly identified federal candidate outside the 60-day period. The substitute permitted only hard money to be used for express advocacy ads. The amendment required candidates to file their FEC reports electronically and required the FEC to post reports on the Internet. It clarified restrictions on fundraising on federal property and codified the Supreme Court's *Beck* decision. Finally, the substitute banned political parties from making coordinated expenditures on behalf of those candidates that spend up to \$50,000 of their own money.

The Citizen Legislature and Political Freedom Act, a competing proposal introduced by Mr. Doolittle, repeals limits on how much individuals and political action committees may contribute to candidates or parties. The measure also repeals limits on how much parties can contribute to candidates, terminates taxpayer financing of presidential election campaigns, requires the FEC to post all campaign reports on the Internet, and prohibits accepting campaign contributions unless specific disclosure requirements are met.

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**Caribbean and Central American Relief and Economic Stabilization Act (H.R. 984)** — H.R. 984 responds to the needs of the Caribbean and Central American nations affected by the devastation caused by Hurricanes George and Mitch, which hit the region in 1998. The measure provides a mechanism to



promote long-term economic recovery in Central America and the Caribbean by enhancing the region's opportunities to expand trade with the United States. Specifically, the bill provides trade benefits to products currently excluded from Caribbean Basin Initiative (CBI) duty-free treatment. The measure provides tariff and quota treatment, on imports from CBI beneficiary countries of excluded articles, that is similar to tariff and quota treatment accorded similar articles imported from Mexico under the North American Free Trade Agreement (NAFTA), during a temporary period beginning on July 1, 2000, and ending on August 1, 2002. The bill was introduced by Mr. Crane and was reported by the Ways & Means Committee by voice vote on June 10, 1999.

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**Child Abuse Prevention and Enforcement Act (H.R. 764)** — The bill (1) assists states in improving access of child protective workers and child welfare workers to criminal conviction information and court orders of protection based on claims of child or domestic abuse; (2) adds as a new permissible state use for federal grants “to enforce child-abuse and neglect laws and programs designed to prevent child abuse and neglect”; and (3) doubles the amount of federal funds earmarked for child abuse and domestic assistance programs from \$10 million to \$20 million. The measure was introduced by Ms. Pryce *et al.* on February 12, 1999.

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**Child Status Protection Act (H.R. 1520)** — Under current law, children of legal aliens and naturalized citizens have “immediate relative” immigration status, the number of which is not capped under current law. However, when these children turn 21, they fall into “family first” status. This numerically limited status makes it difficult to receive student loans, join the military, or engage in other activities available to an immigrant with full process rights. Moreover, the Immigration and Naturalization Service (INS) currently has a backlog of one million citizenship petitions; approximately seven to eight percent of these cases relate to expired child status. In the face of this backlog, recently-turned 21-year-olds must wait as long as seven years before their case is processed. H.R. 1520 amends the 1952 Immigration and Nationality Act to give priority to these child status cases and put them at the front of the INS “queue.” It does not change these individuals’ immigrant status. The measure was introduced by Mr. Smith (TX) and Mr. Rogan on April 22, 1999.

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**Child Survival Act** — The International Relations Committee expects to mark up a bill to increase authorized funding levels for child survival activities by foreign aid providers and address child labor issues. Such activities include efforts to eradicate diseases like polio and leprosy in developing countries, as well as tighten the definition of “child survival and labor.” The committee expects to consider this bill within the next three months.

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**Consumer and Investor Access to Information Act (H.R. 1858)** — Mr. Bliley introduced bipartisan legislation to ensure that all Americans will continue to have full access to information on the Internet, such as stock quotes used for online trading. The measure is designed to provide new protection to publishers of electronic databases. The bill also guarantees that public access to information will not be limited by publishers’ claiming a property right over facts and information that have historically been part of the public domain. Finally, H.R. 1858 gives protections to database publishers against database theft from hackers seeking to undermine the integrity of the data given for public usage. As more people use the Internet to make investment decisions like price shopping, mortgage comparisons, and personnel investment choices,

bill proponents argue that safeguards must be enacted to ensure that there are as few disruptions as possible in this growing marketplace. The legislation is also expected to support educational endeavors where accurate information is paramount to learning, teaching, and research. The Commerce Subcommittee on Finance and Hazardous Waste reported the bill by voice vote on July 21.

**Corporation for Public Broadcasting (CPB) Authorization (H.R. 2384)** — Mr. Tauzin recently introduced legislation to authorize funds through 2006 for CPB, which allocates funds to public radio and television stations. Specifically, the bill authorizes \$300 million for FY 2000, \$340 million for FY 2001, and \$475 million annually for FYs 2002-2006. Under the bill, the government will match 40 percent of CPB's total donations from the public and private sectors. Finally, the bill authorizes funding to assist CPB in upgrading to the digital format from its current analog format. Responding to press reports that CPB affiliates in Boston and other cities turned over their donor lists to the Democratic National Committee, Telecommunications, Trade, and Consumer Protection Subcommittee Chairman Tauzin plans to offer a revised bill to outlaw this practice. Additionally, the new version will (1) reduce funding caps significantly; (2) require a GAO study to determine the extent of CPB affiliates swapping donor lists with other organizations; and (3) prohibit stations that have shared donor lists from receiving federal money to upgrade to a digital signal. Mr. Tauzin held a hearing on July 20 on this issue and will continue to hold hearings in the coming weeks.

**DOE Commercial Application of Energy Technology Authorization Act (H.R. 1656)** — H.R. 1656 authorizes \$702.8 million for FY 2000 and \$711.7 million for FY 2001 for the Department of Energy (DOE) to develop private sector applications of energy technology, as well as authorize related civilian energy and scientific programs. In addition, the bill shifts regulatory authority for environmental safety and health standards in civilian DOE labs from DOE to the National Regulatory Commission (NRC) and the Occupational Safety and Health Administration (OSHA). The bill also places a moratorium on access by citizens of countries on the DOE List of Sensitive Countries to classified DOE facilities and applies penalties of up to \$100,000 for any security violation relating to classified or sensitive information by a DOE employee or contractor. The bill was introduced by Mr. Calvert and the Science Committee reported the bill by voice vote on May 26.

**DOE Research, Development, and Demonstration Authorization Act (H.R. 1655)** — H.R. 1655 authorizes \$3.9 billion for FY 2000 and \$4.1 billion for FY 2001 for research activities at the Department of Energy. Specifically, the bill authorizes funding for civilian energy and scientific research, development, and demonstration and related commercial applications of energy technology operation and maintenance programs (e.g., natural gas exploration and production research, energy conservation research). The bill also prohibits citizens of countries on the DOE List of Sensitive Countries from entering any classified area of a federally owned or operated energy labs unless the DOE Secretary grants a waiver. The bill was introduced by Mr. Calvert and the Science Committee ordered the bill to be reported on May 25 by a vote of 31-1.

**Electronic Signatures in Global and National Commerce (E-SIGN) Act (H.R. 1714)** — The Commerce Committee believes that with the burgeoning electronic-commerce market, consumers need electronic signatures to hold the same legal protections and guarantees as written signatures. H.R. 1714 is designed to allow consumers and businesses to use electronic signatures when making online business

transactions in the same manner that they use handwritten signatures. In addition, the bill eliminates legal uncertainties surrounding the status of electric signatures and records. Finally, the measure (1) allows businesses to accept electronic signatures and records in interstate commerce and by the securities industries; and (2) requires the Commerce Secretary to promote the principles of this legislation overseas. The bill was introduced by Messrs. Bliley, Davis (VA), Oxley, Fossella, and Tauzin on May 6, 1999. The Commerce Subcommittee on Finance and Hazardous Waste reported the bill by voice vote on July 21.

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**Emergency Residents Protection Act (H.R. 1336)** — H.R. 1336 mandates that seniors and persons with disabilities who live in affordable housing facilities with expiring subsidy contracts receive more flexible rental assistance to allow them to continue living in their current homes. The bill also provides additional tools to encourage owners of affordable housing to renew their subsidy contracts with the federal government, thus retaining these units for low- and moderate-income persons. In FY 2000, federal subsidy contracts that provide housing assistance for more than 2.3 million families will expire. The measure was introduced by Mr. Lazio *et al.* and may be merged with other housing legislation (H.R. 202) to be ready for floor consideration later this summer.

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**Emigrant Wilderness Protection Act (H.R. 359)** — H.R. 898 requires the Forest Service to allow a private organization (a volunteer organization or other non-federal entity) to maintain 18 concrete dams and weirs—a specific kind of dam—located in the Emigrant Wilderness in the Stanislaus National Forest in California. The private organization must pay the expenses to maintain and operate the dams. The bill was introduced by Mr. Doolittle and was reported by voice vote by the Resources Committee on May 5.

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**Environmental Protection Agency Office of Air and Radiation Authorization Act (H.R. 1743)** — H.R. 1743 authorizes \$230.1 million for FY 2000 and \$237 million for FY 2001 for the Environmental Protection Agency's (EPA) Office of Air and Radiation (OAR). These amounts represent an across-the-board three percent increase. OAR works to prevent air pollution and exposure to radiation through the management of public and private resources. The bill also prohibits the use of funds to implement the Kyoto Protocol unless ratified by the Senate. The bill was introduced by Mr. Calvert and the Science Committee reported the bill by voice vote on May 26.

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**EPA Office of Research and Development and Science Advisory Board Authorization Act (H.R. 1742)** — H.R. 1742 authorizes \$506.7 million for FY 2000 and \$522.7 million for FY 2001 for the EPA's Office of Research and Development and its Science Advisory Board (SAB). The SAB provides independent scientific and engineering advice to the EPA Administrator. In addition, H.R. 1742 prohibits the use of funds to implement the Kyoto Protocol unless ratified by the Senate. The bill was introduced by Mr. Calvert and the Science Committee reported the bill by voice vote on May 26.

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**Federal Courts Bills (H.R. 1875, H.R. 1752, and H.R. 2122)** — On Tuesday, July 27, the Judiciary Committee is scheduled to consider three bills designed to improve the efficiency and responsiveness of the federal courts system.

- \* **Interstate Class Action Jurisdiction Act (H.R. 1875).** The measure grants federal courts jurisdiction over large, interstate class action lawsuits. Presently, most of these suits fall outside the scope of federal jurisdiction statutes. The intent of the bill is to stanch the flow of interstate class actions into state courts, where state judges are deciding out-of-state residents' claims against out-of-state companies. The measure was introduced by Mr. Goodlatte *et al.* on May 19, 1999.
- \* **Federal Courts Improvement Act (H.R. 1752).** The bill enables magistrate judges to charge people, and sentence them for, contempt of court. Currently, magistrates must refer these charges to a district judge for hearing and sentencing. In addition, H.R. 1752 allows federal judges to carry concealed weapons. The measure was introduced by Mr. Coble and Mr. Berman on May 11, 1999.
- \* **Multidistrict, Multiparty, Multiforum Trial Jurisdiction Act (H.R. 2112).** The measure amends current law regarding multi-district litigation to allow a transferee court—i.e., a court to which a case has been transferred—to retain jurisdiction over referred cases, or to refer them to other districts, as it sees fit. In addition, the bill gives U.S. district courts original jurisdiction over litigation involving disastrous accidents—e.g., a plane crash or train wreck—in which 25 or more people from different states are killed. The measure was introduced by Messrs. Sensenbrenner, Hyde, and Coble on June 9, 1999.

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**Forest Roads: Community Right To Know Act (H.R. 1523)** — H.R. 1523 requires the federal government to provide advance notice to local administrators of planned or proposed permanent road closures, as well as a 90-day public comment period. The bill states that a forest road may not be closed unless the above criteria are met. The bill was introduced by Ms. Chenoweth and was reported by the Resources Committee by a vote of 22-16 on May 5.

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**Freedom from Sexual Trafficking Act (H.R. 1356)** — H.R. 1356 continues several initiatives to combat international sexual trafficking, the practice of abducting women and children across international boundaries and forcing them into prostitution or sexual slavery. The bill was introduced by Mr. Smith (NJ) and is expected to be marked up by the International Relations Committee within the next three months.

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**Financial Services Act Conference Report (H.R. 10/S. 900)** — H.R. 10 is designed to modernize the financial services industry by replacing outdated, Depression-era laws that separate banking from other financial services with a new system to enhance competition and increase consumer choice. Specifically, the bill (1) repeals the anti-affiliation provisions of the 1933 Glass-Steagall Act and the 1956 Bank Holding Company Act, therefore allowing financial companies to offer a broad array of financial products to their customers, including banking, insurance, securities, and other financial products—either through a financial holding company or through operating subsidiaries; (2) provides functional regulation of bank securities activities (i.e., as a general matter, securities activities will be regulated by the Securities and Exchange Commission). The bill repeals the “broker” and “dealer” exemptions that banks currently enjoy under the

federal law (with certain exemptions), thus subjecting banks to the same regulation as all other securities firms; (3) establishes the state insurance regulator as the appropriate functional regulator of insurance; (4) prohibits commercial entities from acquiring or establishing thrifts (i.e., closing a loophole in current law that allows a commercial company to purchase only one thrift, hence the term “unitary thrift holding company”) after March 4, 1999; and (5) includes a number of provisions designed to protect consumer privacy. The House passed H.R. 10 by a vote of 343-86 on July 1. The Senate passed its version of the bill (S. 900) by a vote of 54-44 on May 6.

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**Homeowners’ Insurance Availability Act (H.R. 21)** — H.R. 21 provides a voluntary federal reinsurance program which “backs-up” state reinsurance programs and regions of the country vulnerable to natural disaster. This proposal addresses the current lack of available or affordable single family home insurance in highly disaster-prone areas such as Florida, Hawaii, and California, where the potential for property losses exceeds the state’s ability to adequately insure and provide coverage. The federal reinsurance program is paid through premiums received directly from the states that are based on actuarial rates. H.R. 21 was introduced by Mr. Lazio *et al.* The Banking and Financial Services Committee reported similar legislation in the 105<sup>th</sup> Congress (H.R. 219; *H.Rept. 105-407*) by a vote of 33-12; however, the House did not consider the measure before adjournment. The committee will hold a field hearing on the issue on July 12; the measure is expected to be ready for committee markup later this summer.

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**Iran Nonproliferation Act (H.R. 1883)** — The bill prohibits the U.S. from allocating funds to Russia for International Space Station activities if Russia transfers missile or weapon of mass destruction technology to Iran (the U.S. has already paid \$60 million of the proposed \$650 million to Russia for space station activities). In order for Russia to obtain the remaining funds, Russia must (1) oppose proliferation to Iran; (2) ensure that their law enforcement and intelligence agencies are taking measures to prevent proliferation in Iran; and (3) guarantee that no entity of its government has made such a transfer to Iran in the past year. It also calls on the president to report to Congress every six months on foreign entities that have transferred goods, services, or technology dealing with nuclear, biological, or chemical weapons, or ballistic missile systems to Iran. The bill was introduced by Mr. Gilman and is expected to be ready for consideration after the August recess.

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**Marine Research Authorization Act (H.R. 1552)** — The Science Committee reported H.R. 1552 by voice vote on April 29. The bill authorizes \$646.8 million for marine and related environmental research and development programs at the National Oceanic and Atmospheric Administration and the National Science Foundation for FYs 2000-2001. This amount includes \$200 million for the National Ocean Service and \$44.3 million for the Office of Atmospheric Research for each fiscal year. The bill was introduced by Mr. Calvert.

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**Methane Hydrate Research and Development Act (H.R. 1753/S. 330)** — H.R. 1753 requires the Energy Secretary to consult with the secretaries of Defense and Interior, along with the National Science Foundation Director, to begin a methane hydrate research and development program to establish methane hydrate as a viable energy resource. In addition, the bill authorizes such sums as necessary to carry out the program. The Science Subcommittee on Energy and Environment approved the bill by voice vote on May 12. The full committee plans to mark up the bill and present it to the floor before adjournment. The Senate passed S. 330 by unanimous consent on April 19.

**Microenterprise Act (H.R. 413)** — H.R. 413 authorizes the Community Development Financial Institutions (CDFI) Fund to establish a microenterprise technical assistance and capacity building grant program. The measure authorizes the use of funds from the Program for Investment in Microenterprise (PRIME) to provide training and technical assistance to low income, disadvantaged entrepreneurs interested in starting or expanding their own businesses. A microenterprise is generally defined as a sole proprietorship that has fewer than five employees, does not have access to credit from commercial banks, and requires a loan in an amount of less than \$15,000. These programs work with low-income populations to develop the necessary skills for managing and running a business. The bill was introduced by Mr. Rush *et al.* and was reported by the Banking and Financial Services Committee by voice vote on May 26. The Small Business Committee reported the bill by voice vote on June 24.

**Milk Marketing Orders** — H.R. 1402 requires the Agriculture Secretary to implement the Class I “Option 1-A” milk price structure as part of the implementation of the final rule to consolidate federal milk marketing orders. Option 1-A reflects the status-quo pricing structure in which milk marketing orders require milk processors to pay a minimum price for farm milk based on how the milk is used. The 1996 Federal Agriculture Improvement and Reform Act (FAIR; *P.L. 104-127*) required a reduction in the number of milk marketing order regions from 31 to at least 10, but not more than 14, and a move to a market-based pricing system. The bill was introduced by Mr. Blunt *et al.* and was reported by the Agriculture Committee on July 19. The House may consider the bill in September.

**National Commission on Preventing School Violence (H.R. 1556)** — The measure establishes the National Commission on the Prevention of School Violence. The commission will be composed of 11 members, some appointed by Congress and others by the Attorney General’s office as well as the Education and Health & Human Services Departments. Each member must be nationally recognized as an expert in child and adolescent behavior and have experience in school safety and violence issues. In carrying out its responsibilities, the commission will consult with a variety of individuals, including teachers, law enforcement officers, school psychologists, statisticians, public health officials, and students. It will study incidents of school violence by interviewing the perpetrators of such incidents, as well as those associated with the perpetrators, and will make findings and recommendations on the reasons for school violence and how best to prevent it. These recommendations must be submitted to the president and Congress within a year after the commission’s first meeting. The measure authorizes up to \$650,000 to pay for commission expenses. The bill was introduced by Mr. Greenwood *et al.* on April 26, 1999.

**National Institute of Standards and Technology Authorization Act (H.R. 1744)** — H.R. 1744 authorizes \$691.4 million for FY 2000 and \$586.3 million for FY 2001 for the National Institute of Standards and Technology (NIST). An agency of the U.S. Commerce’s Technology Administration, NIST works with industry to develop and apply technology, measurements, and standards to promote economic growth. NIST provides technical assistance in developing products and services, partners with the private sector in research and development (R&D), assists smaller manufactures, and honors business achievements with an award. The bill was introduced by Mrs. Morella and the Science Committee plans to mark up the bill after the August recess.

**Networking and Information Technology Research and Development Act (H.R. 2086)** — The bill, introduced by Mr. Sensenbrenner *et al.* authorizes \$4.8 billion over the next five years for information technology (IT) research at the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA), the Department of Energy (DOE), the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the Environmental Protection Agency (EPA). This amount represents a 92 percent increase over FY 1999. The funding includes \$95 million for universities to establish internship programs at IT companies to promote math and science education. The bill also makes the research and development (R&D) tax credit permanent.

**North Korea Threat Reduction Act (H.R. 1835)** — The bill prevents North Korea from further developing weapons of mass destruction by (1) imposing conditions on the delivery of U.S. oil and food assistance; (2) imposing conditions on North Korea's entering into nuclear cooperation agreements; and (3) mandating the continuation of the existing U.S. embargo on North Korea. The U.S. believes that North Korea is developing an underground site to develop plutonium for use in nuclear weapons, which would constitute a direct violation of the 1994 nuclear non-proliferation accords to which North Korea agreed. In addition, the rogue nation has completed the development of Rodong missiles with a range of 1,000 kilometers and is in the process of developing longer-range Taepo Dong 1 and Taepo Dong 2 missiles, with ranges of over 1,500 kilometers and 4,000-6,000 kilometers, respectively. North Korea also is suspected of possessing a large stockpile of chemical weapons. The International Relations Committee is tentatively scheduled to mark up the bill before the August recess.

**Nuclear Regulatory Commission Authorization Act (H.R. 2531)** — The U.S. Nuclear Regulatory Commission (NRC) was created by the 1974 Energy Reorganization Act (*P.L. 93-438*) to protect public health and safety, enhance our common defense and security, and protect the environment in the use of nuclear materials in the United States. The NRC's responsibilities include (1) regulating commercial nuclear power reactors; (2) regulating civilian use of radioactive materials (i.e., medical and academic uses), and (3) regulating the transportation, storage and disposal of nuclear materials and waste. Most importantly, the NRC oversees all licensing and any use of nuclear materials. This bill authorizes about \$465 million for the NRC.

The most important budgetary issue for the subcommittee to consider is reauthorizing NRC's ability to collect user fees. The 1990 Omnibus Budget Reconciliation Act directed NRC to recover 100 percent of its budget authority from user fees minus the amounts appropriated from the Nuclear Waste Fund. Of the typical annual NRC budget of \$470 million, approximately \$450 million is recovered from a combination of license and annual fees. This authority for NRC to collect fees expired in 1998, and was extended through FY 1999 by last year's Energy and Water Appropriations bill. Both the House and Senate Energy and Water Appropriations Subcommittees have already included language to extend the fee collection authority for another year in the event an authorizing bill is not enacted by September 30, 1999. The Commerce Subcommittee on Energy and Power recently held a hearing on the bill.

**Office of Motor Carriers (OMC) Legislation** — The Transportation Committee recently held several hearings that focused on the OMC and its operations (including its placement within the Department of Transportation), the statistical trends related to motor carrier safety, the federal Motor Carrier Safety Grants program, and federal and state government roles in overseeing and enforcing motor carrier safety laws and regulations. The OMC is currently part of the Federal Highway Administration. Last year, the

Appropriations Committee included a provision to transfer the OMC from the Federal Highway Administration to the National Highway Traffic Safety Administration in the FY 1999 transportation appropriations bill. However, the provision was stricken on a point of order during House consideration of the measure. The committee is expected to develop legislation on this issue and ready it for floor consideration later this summer.

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**Pain Relief Promotion Act (H.R. 2260)** — The measure amends the 1970 Controlled Substances Act to prohibit states from authorizing or permitting physician-assisted suicide, which will effectively overturn Oregon's recently-enacted assisted-suicide law. In addition, the bill authorizes \$5 million for training programs focusing on pain management and palliative care. H.R. 2260 was introduced Mr. Hyde *et al.* on June 17, 1999.

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**Pipeline Safety (H.R. 1378)** — Mr. Barton recently introduced legislation to reauthorize the Natural Gas and Hazardous Liquid Pipeline Safety Act for another two years. In the 104<sup>th</sup> Congress, lawmakers enacted legislation (*P.L. 104-304*) to reauthorize the Transportation Department's pipeline safety program through FY 2000. The Office of Pipeline Safety has regulatory authority over approximately two million miles of natural gas pipelines and nearly 200,000 miles of hazardous liquid pipelines. Until 1996, Congress approached pipeline safety by requiring the Department of Transportation to implement minimum federal standards for all pipelines. However, in 1996 a new approach was developed for dealing with this issue. The law authorized pipeline operators to conduct a risk management demonstration project and take a risk assessment approach to enacting new regulations and guidelines. The Commerce Committee reported H.R. 1378 by a vote of 40-0 on April 21. The Transportation Committee, which has joint jurisdiction, is scheduled to hold a hearing on July 27.

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**Postal Reform Act (H.R. 22)** — Last Congress, the Government Reform Subcommittee on Postal Service reported legislation to reform the U.S. Postal Service, but Congress did not act on the measure. Mr. McHugh has again introduced omnibus legislation to implement a number of reforms relating to the U.S. Postal Service's organization, general authority, finance, budget and appropriations process, postal rates, transportation and delivery of mail, and law enforcement procedures that modernize the postal service. H.R. 22 allows the Postal Service greater freedom to compete, while implementing measures to ensure fair competition that protects the public's interest. The Government Reform Postal Service Subcommittee approved the bill by voice vote on April 29.

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**Preserving Affordable Housing for Senior Citizens into the 21<sup>st</sup> Century Act (H.R. 202)** — H.R. 202 preserves the existing affordable housing program for senior citizens by converting the financing of pre-1990 senior housing developments to a modern program of capital grants (i.e., converting outstanding loan balances into capital advances). The bill will relieve non-profit entities from excessive debt service, thus providing the opportunity for greater program self-sufficiency. The measure is expected to save taxpayer money over the long term by reducing the need for project-based rental assistance. Prior to 1990, senior housing developments were financed through direct loans and project-based rental assistance contracts. In the year 2001, the rental assistance contracts on 215,000 housing units will begin to expire. The measure also increases funding for affordable senior housing from \$660 million to \$700 million and for housing for persons with disabilities from \$194 million to \$225 million. The bill was introduced by Mr.



Lazio *et al.*; the Housing and Community Opportunity Subcommittee has held a series of hearings on the measure. The Banking Committee expects the bill to be ready for floor consideration later this year.

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**Public Forests Emergency Act (H.R. 1524)** — H.R. 1524 requires the secretaries of Interior and Agriculture to make timely decisions regarding the removal of dead, downed, or severely root-sprung trees from more than a dozen national forests. The bill was introduced by Ms. Chenoweth and was reported by the Resources Committee by a vote of 21-8 on June 9.

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**Silk Road Strategy Act (H.R. 1152)** — H.R. 1152 authorizes U.S. assistance for the economic and political independence of Central Asia and the Caucasus States independent of the assistance provided to other states of the Former Soviet Union (Russia, Ukraine, Belarus, and Moldova). The bill restricts U.S. aid to any country in the two areas that (1) engage in violations of human rights, (2) support international terrorism, or (3) transfer missile or nuclear technology information. It authorizes the U.S. to aid in reconstructing areas destroyed by war, returning refugees to their homes, and improving border control activities. The bill was introduced by Mr. Bereuter *et al.* and was reported by the International Relations Committee by voice vote.

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**Social Security Return to Work** — In the 105<sup>th</sup> Congress, the House passed legislation (the Ticket-to-Work and Self-Sufficiency Act; H.R. 3433; *H.Rept. 105-488*) by a vote of 410-1 to allow disabled beneficiaries of certain Social Security and disability benefits to work outside of their homes and be self-sufficient. However, the Senate did not act on the bill before adjournment. The measure allowed beneficiaries to receive vocational rehabilitation and other support services from a network of providers or select them using a newly created “Ticket-to-Work” provider subscription network. The measure seeks to remove barriers that prevent disabled Social Security and Supplemental Security Income recipients from entering the workforce. Since the measure’s passage, the administration and a bipartisan group in the Senate endorsed an expanded and more costly version of the proposal. The Commerce Committee approved its measure (H.R. 1180) by voice vote on May 19. Mr. Hulshof introduced similar legislation (H.R. 1091) on this issue. The Ways & Means Committee has joint jurisdiction over the matter.

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**Superfund Reauthorization (H.R. 1300)** — Superfund is a hazardous waste cleanup program that is funded through chemical excise and corporate environmental income taxes. The fund pays for cleanup of hazardous chemicals that have been released into the ground and water where no party is found liable. Although many parties are potentially responsible for paying cleanup costs, identifying liable parties has led to an endless flow of litigation. With so much money at stake, many companies would rather incur the legal expense to avoid payment. Mr. Boehlert has introduced legislation (H.R. 1300) that has garnered bipartisan support. Specifically, the measure (1) promotes state brownfields and voluntary cleanup programs; (2) provides liability relief for small businesses, recyclers, and municipalities; (3) amends the law’s remedy selection provisions; and (4) reinstates the Superfund taxes. The Transportation Water and Resources Subcommittee approved the measure by a vote of 22-9 on June 10.

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**Torture Victim’s Relief Act Reauthorization (H.R. 2367)** — H.R. 2367 reauthorizes the Torture Victim’s Act (*P.L. 105-320*) through FY 2003. The bill authorizes \$10 million for foreign treatment centers for victims of torture, \$10 million each fiscal year for domestic treatment centers for victims of torture, and

\$5 million for FYs 2001 through 2003 for multilateral assistance. The bill was introduced by Mr. Smith (NJ) *et al.* and is expected to be marked up by the International Relations Committee within the next three months.

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**Tribal Self-Governance Amendments Act (H.R. 1167)** — H.R. 1167 creates a new title in the 1975 Self-Determination Act to allow Indian tribes to administer and operate certain federal programs, such as the Indian Health Service. The Resources Committee reported the bill by voice vote on June 9.

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**Welfare Reform** — In 1996, Congress enacted the historic welfare reform law (*P.L. 104-193*) that established a fixed block grant for state-designed welfare programs of time-limited and work-conditioned aid to families with children. The Ways and Means committee is expected to consider legislative proposals to improve and/or make modifications to the underlying law later this year. This measure may include the “Fatherhood Initiative” that members of the committee are currently developing. Mr. Shaw introduced legislation (H.R. 3314) on this issue last year, but the committee did not act on the proposal before adjournment. The 1996 welfare reform law has been successful in helping poor mothers obtain employment and improve their economic circumstances. The goal of the Fatherhood Initiative is to help poor fathers improve their economic circumstances and participate directly in rearing their children.

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**Workplace Preservation Act (H.R. 987)** — The bill requires the Labor Secretary to wait for the National Academy of Sciences to complete its study of the cause-and-effect relationship between repetitive tasks in the workplace and musculoskeletal disorders or repetitive stress injuries before issuing standards or guidelines on ergonomics. The Occupational Safety and Health Administration (OSHA) has announced that it plans to propose regulations this year regarding “ergonomics,” the applied science of equipment design intended to maximize productivity by reducing operator fatigue and discomfort. Backers of the measure express concerns that such regulations are based on scant evidence and could impose enormous and unnecessary costs on businesses. The bill was introduced by Mr. Blunt and may be considered before the August recess.

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**Yukon River Salmon Act (H.R. 1652)** — The House is expected to consider a bill to authorize the Yukon River Salmon Advisory Panel through FY 2003 within the next three months. The bill authorizes \$4 million annually for the advisory panel, as well as funding for traveling expenses, research, and management projects. The Resources Committee reported the bill by voice vote on June 9.

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## **Three to Six Months**

**American Homeownership and Economic Renewal Act (H.R. 1776)** — H.R. 1776 reduces barriers to affordable housing by authorizing grants to states and local governments for regulatory barrier removal strategies. The proposal requires all federal agencies to include a housing impact analysis with any proposed regulation to certify that the regulation will have no significant negative impact on the availability of affordable housing. Local nonprofit and community development groups will be able to offer alternatives if such regulations have a negative impact on affordable housing. The legislation also enables families who receive federal housing assistance, such as public housing or Section 8 housing, to use these funds to achieve

homeownership in the form of a down payment or monthly mortgage payment assistance. The measure also includes the text of H.R. 710 (the Manufactured Housing Improvement Act) to create a process for keeping construction standards updated in a timely manner; improve management of the federal program by creating a “consensus committee” of consumers, industry experts and government officials to advise HUD on safety standards and regulatory enforcement; and require HUD to ensure that disparate state and local requirements do not affect the uniformity and comprehensiveness of the standards. The proposal, introduced by Mr. Lazio, is expected to be ready for floor consideration later this year.

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**Capitol Security** — The House Administration Committee plans to continue to examine measures to improve the security of the Capitol complex. These improvements include (1) renovating the Capitol and congressional office buildings; (2) enhancing of the Capitol’s Security Perimeter; and (3) building a Capitol Visitor’s Center. The deaths last year of two Capitol Hill police officers have brought heightened attention to the safety of members, staff, and visitors. The Architect of the Capitol recently approved plans to improve security that were reviewed by the committee. The committee is expected to craft a bill to address these concerns within the next six months.

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**Collections of Information Antipiracy Act (H.R. 354)** — H.R. 354 amends federal copyright law to give database proprietors ownership rights and to make those who infringe on the ownership of works completed or maintained by another person in violation of copyright laws liable through civil action. The bill maintains protections for access and use of information by non-profit educational, library, research, and scientific entities. The Judiciary Committee reported the bill by voice vote on May 26.

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**Commercial Space Launches** — The Science Committee may consider legislation to (1) renew the indemnification provisions of the 1984 Commercial Space Launch Act (*P.L. 98-575*), which expire on December 31, in order to boost the competitiveness of domestic space launch companies; (2) encourage greater private control over commercial launches; (3) improve the infrastructure, especially launch pads, of major launch ranges; and (4) fund new space transportation technologies. Mr. McCain introduced similar legislation (S. 832) in the Senate.

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**Conservation and Reinvestment Act (H.R. 701)** — The Resources Committee may consider legislation introduced by Chairman Young to create a fund to distribute royalties collected from outer continental shelf (OCS) oil and gas operations to states, the federal government, and local communities for various environmental improvement activities. The measure attempts to resolve the inequity of oil and gas revenue distribution while reinvesting funds for important conservation and recreation programs. Specifically, the measure (1) creates a revenue sharing fund for coastal states and eligible local governments to mitigate the various impacts of OCS activities; (2) guarantees stable and annual funding for the Land and Water Conservation Fund (LWCF) at its authorized level of \$900 million; and (3) authorizes funding for important recreation projects through the Urban Parks and Recreation Recovery Program (UPARR). OCS revenues currently generate approximately \$4 billion each year. The committee held a hearing on the bill on March 10, 1999.

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**Debt Relief and Poverty Reduction Act (H.R. 1095)** — H.R. 1095, which was introduced by Messrs. Leach and LaFalce, cancels most of the debt owed to the U.S. government by the world's poorest countries and reduces the debt owed to the World Bank, International Monetary Fund, and other international financial institutions. The measure requires debt relief to be targeted to reduce poverty and provide basic social services. The bill is part of the Jubilee 2000 campaign—an international movement of churches and other organizations working to achieve debt cancellation for the world's poorest countries and promote development that benefits poor people. The 40 nations classified by the World Bank as “highly indebted poor countries” currently owe \$6.8 billion to the United States. The Banking Committee held a hearing on the measure on June 15.

**Depository Institution Regulatory Streamlining Act (H.R. 1585)** — In the 105<sup>th</sup> Congress, the House passed legislation (H.R. 4364) by voice vote to reduce the regulatory burden on national banks, state banks, and savings associations. Although the Senate did not consider the measure before adjournment, the committee will consider similar legislation this year. The bill streamlines the regulation of depository institutions and safeguards confidential banking and credit union supervisory information in order to: (1) improve monetary policy; (2) improve depository institution management practices; and (3) streamline federal agency requirements. The Banking Financial Institutions and Consumer Credit Subcommittee recently held a hearing on the bill; however, no date subcommittee markup has yet been scheduled.

**Electric Industry Deregulation** — The Commerce Committee is developing comprehensive legislation to ensure fair competition and consumer choice in the electric power industry. New technology has made increased competition possible in the public electricity industry and most of the industry agrees consumers will save money if they are given the right to choose between competitive electricity providers. The Energy Department has estimated that electric utility restructuring could save American consumers \$20 billion annually. In addition, the federal government, as the largest single consumer of electricity, could save as much as \$8 billion over several years if federal restructuring legislation is enacted. At least 22 states have passed legislation or regulatory orders to ensure that customers have a choice in power companies by a date certain. Two months ago, Chairman Bliley and Ranking Member Dingell introduced the administration's electricity competition bill (H.R. 1828) at its request. Currently, Chairman Bliley and Subcommittee Chairman Barton are working to craft a final bill for consideration. In the next few months, the committee will hold hearings to examine a final legislative proposal. However, the broad outlines of their plan were announced on July 19.

Some of the major highlights of the outline include: (1) giving federal agencies broad powers to allow them to regulate interstate transmission lines and protect consumers from the market abuses that come with competitive environments; (2) allowing states to enact their own restructuring laws with the guarantee there is no deadline for states to restructure their markets; (3) directing the Federal Trade Commission (FTC) to issue rules to protect important consumer information and create a Federal Energy Regulatory Commission (FERC) consumer counsel office; (4) mandating the FTC to prohibit switching a person's electric company or charging unauthorized fees; (5) mandating utilities to submit mitigation plans to the FERC if the commission sees a company is using market power improperly; (6) repealing part of PUCHA by exempting companies whose subsidiaries offer competitors open access to transmission lines; (7) repealing PURPA; and (8) allowing the FERC to regulate transmission systems of federal power utilities (e.g., TVA and Bonneville).

**Fair Access to Indemnity and Reimbursement Act (H.R. 1987)** — The bill amends the National Labor Relations Act to permit employers and labor organizations who win a case brought against them by the National Labor Relations Board (NLRB) or the Occupational Safety and Health Administration (OSHA) to recover attorneys' fees and costs. The intent of the measure is to (1) ensure that small business owners and labor groups are not deterred from seeking review of federal actions brought against them because of potential legal expenses; (2) reduce the disparity in resources that exists between small business owners and labor organizations, and the NLRB and OSHA; and (3) hold the NLRB and OSHA more accountable for actions they take against small employers and labor groups. The measure was introduced by Mr. Goodling *et al.*; the Education & the Workforce Committee is scheduled to mark up the bill on July 28.

**Fair Labor Standards Act Reform** — The 1938 Fair Labor Standards Act (FLSA) governs payroll and scheduling practices in most workplaces in the U.S. During the 104<sup>th</sup> and 105<sup>th</sup> Congresses, several oversight hearings were held to determine how best to modernize FLSA regulations. It is widely accepted that FLSA regulations have not kept pace with technological changes. For example, employers are largely prohibited from working out flexible arrangements regarding scheduling and compensation with their employees. Moreover, employers often face costly litigation and uncertainty as a result of conflicting interpretations of the FLSA by the Labor Department and the courts.

The following are key FLSA issues the committee expects to consider:

- \* **Minimum Wage.** The president and several Democrats have called for another increase in the minimum wage. The last increase was implemented in 1996, when Congress increased it from \$4.25 per hour to \$5.15 per hour. Mr. Quinn introduced a bill (H.R. 964) to increase the \$5.15 minimum wage by one dollar over three years and tie further increases to the cost-of-living index. In addition, Mr. Bonior has been working with the Democratic Blue Dog Coalition in drafting a minimum wage bill. Business groups, who traditionally resist minimum wage hikes, have been pressing lawmakers to include tax breaks in whatever measure the House ultimately considers; and
- \* **Sales Incentive Compensation Act ("Inside Sales").** In the 105<sup>th</sup> Congress, the House passed the Sales Incentive Compensation Act (H.R. 2888; *H.Rept. 105-558*) by a vote of 261-165 in June 1998; however, it was not acted on by the Senate. The bill provided an exemption from overtime requirements for certain sales people who meet stringent requirements regarding job duties, compensation structure, and minimum salary. Current law exempts those who work outside the confines of the employer's establishment, physically traveling from customer to customer; but the FLSA does not exempt sales employees who work within the employer's establishment. The committee will likely consider this issue again during the 106<sup>th</sup> Congress.

**Federal Agency Compliance Act (H.R. 1924)** — The bill requires federal agencies and all federal employees to comply with precedents established in the federal judicial courts. The bill grants exemptions for cases when an appeal or review is pending or the validity of the precedent is questioned. The measure was introduced by Mr. Gekas *et al.* on May 25, 1999.

**Federal Railroad Administration** — The Transportation Committee is expected to consider legislation to reauthorize the Federal Railroad Administration (FRA) later this year (the authorization for federal railroad safety laws expired in 1998). The FRA is charged with ensuring the safety of our nation's 700 railroads, including regulating and inspecting 220,000 miles of track and more than 1.2 million cars and locomotives. The FRA administers federal railroad safety laws that address railroad operating practices and the safety of equipment for freight, passenger, and commuter railroads. In addition, the FRA oversees compliance with various laws and regulations that protect America's 200,000 railroad workers, such as limitations on working hours, the proper training and certification of railroad engineers, and drug and alcohol testing programs for rail personnel in safety-sensitive positions.

**Hazardous Materials (HAZMAT) Transportation Program Reauthorization (H.R. 968)** — The Transportation Committee is expected to consider legislation to reauthorize the HAZMAT program—which governs the transportation of hazardous materials via highway, water, rail, and air. The reauthorization will likely address issues such as the Department of Transportation's authority to open packages during roadside inspections, continued funding for uniform state programs for registrations and permits, and the promulgation of new propane gas regulations.

**Keeping America Safe Act (H.R. 2184)** — The measure amends the 1952 Immigration and Nationality Act to authorize the Secretary of State to deport aliens who aid or abet a terrorist organization or an individual who has conducted or plans to conduct terrorist activity. The measure was introduced by Mr. Andrews on June 14, 1999.

**Medicare Reform** — The 1997 Balanced Budget Act (BBA; *P.L. 105-33*) established the National Bipartisan Commission on the Future of Medicare to examine Medicare reform proposals and submit recommendations to Congress. While the BBA ensured the solvency of the Medicare Trust Fund for the next 10 years, the program's financing mechanism will be unable to sustain it in the long run. The commission disbanded because it was unable to garner enough votes (it was one vote short of the 11 needed for a supermajority on the 17-member panel) to recommend a formal proposal to Congress. The commission, chaired by Senator Breaux and Congressman Thomas, was preparing to recommend a premium support model based on the current Federal Employees Health Benefits Program (FEHBP).

Although the commission did not make any formal recommendation to Congress, its co-chairmen vowed to move their proposal forward this year. Under the Breaux-Thomas proposal, a new Medicare board will negotiate premiums and benefits in private plans as well as a government fee-for-service program similar to that used by 83 percent of beneficiaries. The government would give beneficiaries a contribution toward premiums, and they would have the option to select from an array of health options, from private health insurance plans to a traditional government-run fee-for-service plan. Beneficiaries would pay about 12 percent of the premium for a standard benefit package, with some seniors paying nothing for low-cost plans and others paying more for higher-cost plans. The Breaux-Thomas proposal includes an immediate drug benefit for low-income seniors (those earning 35 percent above the poverty level; \$10,568 per year for an individual and \$13,334 for a couple). Panelists disagreed, among other things, over what type of prescription drug benefit should be offered. The Ways & Means Committee is examining this proposal, as well as other reform options, as it continues to hold hearings on this issue.

**Nuclear Waste Disposal** — The Commerce Committee continues to attempt to resolve the issue of establishing a permanent repository for the nation's nuclear waste. Since the Department of Energy (DOE) will not have a permanent storage facility ready until 2010 at Yucca Mountain in Nevada, it needs to establish an interim facility so that the federal government can live up to its legal obligation to begin accepting spent nuclear waste. Mr. Upton introduced legislation (H.R. 45) to establish an interim facility to store spent nuclear fuel. H.R. 45 revises the 1987 Nuclear Waste Policy Act (*P.L. 100-202* and *P.L. 100-203*) to address problems and delays that have occurred during the development of an interim storage site and a permanent disposal site for nuclear waste. Specifically, the bill (1) outlines procedures by which the waste will be transported to an interim storage site; (2) enhances safety and emergency training of public safety officials in states through which the waste will be transported; (3) extends the date for which DOE must begin accepting waste at an interim site from 1998 to 2003; (4) increases the amount of waste that may be accepted at the interim site; and (5) replaces the user fee, which is based on a flat rate, with a fee based on the amount needed to complete the project.

On April 21, the Commerce Committee passed an amended version of H.R. 45 by a vote of 40-6 in an attempt to find middle ground with the Clinton Administration. New provisions adopted to H.R. 45 include: (1) moving the \$8 billion nuclear waste fund off-budget to free up additional funding for construction at an interim site and the permanent site at Yucca Mountain; (2) authorizing DOE to take ownership of spent waste at utilities, until its movement to a temporary storage area, in exchange for nuclear electric companies dropping lawsuits against the government for failing to remove waste on time; and (3) prohibiting new lawsuits against DOE for failing to meet any new statutory deadlines.

Currently, the Senate is continuing to work on S. 608 as reported out of the Energy and Natural Resources Committee. Notably, the current Senate version does not include centralized interim storage and does not provide a solution to the program's funding shortfall, both of which are key components of H.R. 45. The House is waiting to see whether this new compromise bill can garner 67 votes in the Senate.

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**Occupational Safety and Health Act (OSHA)** — For the last four years, Congress has considered various measures to reform the 1970 Occupational Safety and Health Act. Republican proposals have, in the main, focused on (1) regulatory reforms, such as requiring outside "peer review" for the scientific and economic data used in standards; (2) promoting voluntary efforts and cooperative programs to improve safety and health; (3) redirecting penalties and enforcement toward more serious violations; and (4) consolidating federal health and safety programs. One such measure (H.R. 1434) was introduced by Mr. Ballenger *et al.* and will likely be considered by the end of the summer.

Mr. Ballenger also introduced a measure (H.R. 1439) to amend the 1970 Occupational Health and Safety Act to stipulate that records, reports, or other information obtained in connection with safety and health audits conducted by or for employers do not have to be disclosed in any inspection or investigation unless the information is sought (1) as part of a criminal proceeding or fatality investigation, or (2) to establish the *cause* of an alleged allegation (on the condition that the underlying allegation is established independent of the records or information).

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**Office of Educational Research and Improvement (OERI)** — The OERI, which is currently funded at \$150.6 million, is an Education Department office responsible for (1) conducting research and demonstration projects; (2) collecting statistics on the status and progress of schools and the public education system at large; and (3) distributing information and providing technical assistance to legislators and educators.

The authorizing vehicle for the OERI is the Goals 2000: Educate American Act (*P.L. 103-227*). The debate on OERI reauthorization will likely turn on the office's research focus, the reliability of that research, and the efficiency of OERI research facilities.

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**Older Americans Act (OAA) Reauthorization (H.R. 782)** — H.R. 782 reauthorizes the Older Americans Act (OAA), which lapsed in 1995. The OAA covers various programs for the elderly—including home care, recreation, and nutritional services—as well as provides community service employment programs. The measure was introduced by Mr. Barrett on February 23, 1999.

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**Small Business Regulatory Assistance Act (H.R. 296)** — The House may consider a measure to amend the Small Business Act to require the Environmental Protection Agency (EPA), the Internal Revenue Service (IRS), the Labor Department, the Office of Small Business Development Centers (OSBDC), and representatives of small business associations to agree to a regulatory compliance assistance plan, which would provide guidelines for OSBDC to assist small businesses in complying with government regulations. The OSBDC must develop and publish guidelines for the plan. Mr. Sweeney introduced the measure on January 6, 1999.

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**Social Security Reform** — The Republican leadership has identified Social Security as one of its top congressional priorities this Congress. The Social Security system is now accruing more revenues than it is spending in outlays; beginning in 2013, however, Social Security will pay out more in benefits than it receives in payroll taxes, and the trust fund will be completely depleted by 2032. Several members, including Ways & Means Chairman Archer, have unveiled reform plans. Several of these are outlined below:

- \* **The President's Framework.** In his budget for FY 2000, the president proposed using 62 percent of the projected federal budget surpluses (\$2.8 trillion of some \$4.5 trillion in surpluses) over the next 15 years to simultaneously shore up the Social Security system and pay down the publicly-held debt. In addition, the president's plan will allow the government to invest almost \$600 billion of trust fund money in the stock market for the first time ever, with the remainder invested in federal government securities. The administration estimates that this proposal will keep the system solvent until 2055. The framework fundamentally changes the self-financing nature of Social Security by using general revenues and private market investments to support the program. Historically, Social Security has been financed almost exclusively through dedicated payroll taxes. In addition, the president also proposed that \$500 billion of the budget surpluses be used to create new Universal Savings Accounts (USAs)—a 401(k)-like savings account that individuals will control to supplement Social Security benefits.
- \* **Archer/Shaw Proposal.** The Archer/Shaw plan ends the practice of using Social Security funds to pay for other government programs and reserves 100 percent of payroll taxes for Social Security. The proposal maintains the current system in its entirety, including survivors' and disability benefits, and uses budget surpluses to modernize the financing of Social Security from a pay-as-you-go system to a partially pre-funded retirement plan. The Archer/Shaw plan gives workers an annual refundable income tax credit equal to two



percent of a worker's wages that will be deposited in their own mandatory personal account, called a Social Security Guarantee Account (SSGA). Individuals would have the ability to choose where to invest their SSGA account, selecting from a government-approved list of 50 investment funds. Upon retirement, the SSGA account would help finance a individual's Social Security benefit (i.e., if the account were insufficient to finance a full benefit, the Social Security Administration would make up the difference; however, if it were worth more, the individual would realize the difference in the form of higher monthly benefits). Finally, the plan permanently repeals the Social Security earnings limit on seniors aged 62-69 by 2006.

- \* **Kolbe/Stenholm Plan.** This proposal diverts two percentage points of the current 12.4 percent payroll tax into new personal accounts (available only to those under age 55). Current and near retirees would continue under the current Social Security program. Individuals would be permitted to save up to an additional \$2,000 per year through voluntary contributions to individual accounts (which would be administered based on the Thrift Savings Plan model). The proposal also provides a savings subsidy—through an additional tax credit—for low-income workers with taxable wages of less than \$30,000 annually. To qualify for the match a worker must voluntarily contribute to their personal account. The first dollar earns a \$150 match after which workers will receive 50 cents on every dollar contributed up to a cap of \$600 annually. In addition, the plan creates a guaranteed minimum benefit for low-income workers more robust than current law and gradually increases the eligibility age for full benefits to age 67 by 2011. Both the normal retirement age and early eligibility age would be indexed thereafter to keep pace with longevity. In addition, the plan modifies the benefit formula to reflect increases in longevity, phases-in changes to reduce initial guaranteed benefit levels for middle- and upper-income individuals, and establishes a new minimum benefit provision to strengthen the government safety net. Finally, the proposal eliminates the Social Security earnings test for workers who reach the normal retirement age.

The Ways & Means Committee held a series of hearings on the president's plan—and will continue to hold hearings—as it considers the gamut of Social Security reform options.

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**Surface Transportation Board Reauthorization** — During the 104<sup>th</sup> Congress, lawmakers created the Surface Transportation Board (STB; *P.L. 104-88*) to replace the Interstate Commerce Commission. The board has jurisdiction over interstate surface transportation modes such as railroads, trucking, water carriers, freight forwarders, and transportation brokers. The Transportation Committee will consider the first reauthorization of the STB this year. The Ground Transportation Subcommittee held a number of hearings on the issue last year and reauthorization legislation is expected to be ready for floor consideration by late summer or early fall.

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**Unborn Victims of Violence Act (H.R. 2436)** — The bill makes it federal crime to harm an unborn child during the commission of a violent criminal act. Federal judges may levy the same punishment as if the injury or death occurred to the unborn child's mother, excluding the death penalty. The measure exempts abortions performed with the mother's consent. H.R. 2436 was introduced by Messrs. Graham, Canady, and Smith (NJ) on July 1, 1999.

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## Appropriations Legislation

Appropriations Bill	Subcommittee Passed	Committee Passed	House Passed	Senate Passed	Conf. Rept. Passed
Agriculture (HR 1906/S 1233)	5/13/99	5/19/99	6/8/99	—	—
Commerce/Justice/State (S 1217)	7/22/99	—	—	7/22/99	—
Defense (HR 2561/S 1122)	7/12/99	7/16/99	7/22/99	6/8/99	—
District of Columbia (HR2587/S1283)	7/14/99	7/20/99	—	7/1/99	—
Energy & Water (HR 2605/S 1186)	7/15/99	7/20/99	—	6/16/99	—
Foreign Operations (HR 2606/S 1234)	7/14/99	7/20/99	—	6/30/99	—
Interior (HR 2466/S 1292)	6/29/99	7/1/99	7/15/99	—	—
Labor/HHS	—	—	—	—	—
Legislative Branch (HR 1905/S 1206)	5/12/99	5/20/99	6/10/99	6/16/99	—
Military Construction (HR 2465/S 1205)	6/28/99	7/1/99	7/13/99	6/16/99	7/29/99
Transportation (HR 2084/S 1143)	5/27/99	6/8/99	6/23/99	—	—
Treasury/Postal (HR 2490/S1282)	5/14/99	7/13/99	7/15/99	7/1/99	—
VA/HUD	7/26/99	—	—	—	—

*Source: House Appropriations Committee*

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Brian Fortune: *Managing Editor*

Kevin Smith: *Senior Legislative Analyst*

Mary Rose Baker, Scott Galupo,  
Brendan Shields, & Heather Valentine:  
*Legislative Analysts*

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